

Appl. No. 10/811,695
Docket No. 9595
Response dated August 21, 2007
In response to Office Action mailed on December 22, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 1-20 are pending. Claims 1-20 stand provisionally rejected under a double-patenting rejection. Claims 1-4, 7-9, 11, 19 and 20 stand rejected under 35 USC § 102(b). Claims 12, 13, and 15 stand rejected under 35 USC § 103(a). With this response, no claims are added or withdrawn, claims 5, 7, 11, and 16 are canceled, claims 1, 2, 6, 12, 14, and 15 are amended.

Double-Patenting Provisional Rejection Over Copending Application No. 10/811,696

Claims 1-20 stand provisionally rejected under a double-patenting rejection over claims 1-21 of copending application number 10/811,696. The Applicant notes that it will address this rejection once it becomes non-provisional.

Rejections Under 35 USC § 102(b) Over Dobrin

Claims 1-4, 7-9, 11, 19 and 20 stand rejected under 35 USC § 102(b) as being unpatentable over Dobrin, et al. (US 5,571,096 A). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections under 35 USC § 102 over the Dobrin reference for the reasons discussed below.

Independent claim 1, as currently amended, recites in part a "unitary disposable absorbent article, comprising...[a] backsheet having a first backsheet zone with a first particular basis weight, and a second backsheet zone, longitudinally outboard from the first backsheet zone, with a second particular basis weight that is less than the first particular basis weight." From the Applicant's review, it appears that the Dobrin reference describes embodiments of absorbent articles wherein "apertured zone(s) 80...extend laterally outwardly from the central region 74 of the backsheet 26" (col. 8, lines 42-45) so the basis weight of the backsheet 26 does not appear to vary in the longitudinal direction of the article as described in the Applicant's independent claim 1.

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Thus, the Dobrin reference does not describe each and every claim limitation recited in the Applicant's independent claim 1. For this reason, the Office Action failed to establish anticipation of the Applicant's independent claim 1. As a result, the Applicant respectfully requests withdrawal of these 102(b) rejections for independent claim 1 and for the pending claims which depend therefrom, and allowance of these claims.

Rejections Under 35 USC § 102(b) Over Roe

Claims 1, 5, 6, 10, 14 and 16-18 stand rejected under 35 USC § 102(b) as being unpatentable over Roe, et al. (US 2002/0128617 A1). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections under 35 USC § 102 over the Roe reference for the reasons discussed below.

Independent claim 1, as currently amended, recites in part a "unitary disposable absorbent article, comprising...[a] backsheet having a first backsheet zone with a first particular basis weight, and a second backsheet zone, longitudinally outboard from the first backsheet zone, with a second particular basis weight that is less than the first particular basis weight." From the Applicant's review, it appears that the Roe reference describes embodiments of absorbent articles including "a nonwoven web comprising a plurality of first regions and a plurality of second regions comprised of the same material and being visually distinct from each other, wherein the first regions will exhibit resistive forces in response to an applied elongation along at least one axis before a substantial portion of the second regions develop significant resistive forces to the applied elongation." (Abstract.) Since the same material is used in the different regions, it appears that the basis weight will also be the same in the different regions. As a result, the absorbent articles of the Roe reference do not appear to have a second backsheet zone with "a second particular basis weight that is less than the first particular basis weight" as recited in part in the Applicant's independent claim 1.

Thus, the Roe reference does not describe each and every claim limitation recited in the Applicant's independent claim 1. For this reason, the Office Action failed to

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establish anticipation of the Applicant's independent claim 1. As a result, the Applicant respectfully requests withdrawal of these 102(b) rejections for independent claim 1 and for the pending claims which depend therefrom, and allowance of these claims.

Rejections Under 35 USC § 103(a) Over Roe

Claims 12, 13, and 15 stand rejected under 35 USC § 103(a) as being unpatentable over Roe, et al. (US 2002/0128617 A1). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections under 35 USC § 103 over the Roe reference for the reasons discussed below.

As described above, the Roe reference does not appear to describe, teach, or suggest absorbent articles with a "backsheet having a first backsheet zone with a first particular basis weight, and a second backsheet zone, longitudinally outboard from the first backsheet zone, with a second particular basis weight that is less than the first particular basis weight" as recited in part in the Applicant's independent claim 1.

Thus, the Roe reference does not describe, teach, or suggest each and every claim limitation recited in the Applicant's independent claim 1. For this reason, the Office Action failed to establish obviousness of the Applicant's independent claim 1. As a result, the Applicant respectfully requests withdrawal of these 103(a) rejections for the pending claims, which depend from claim 1, and allowance of these claims.

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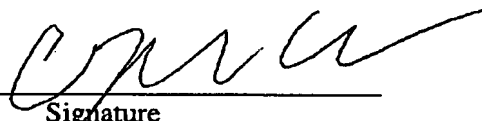
Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the cited references. Accordingly, the Applicant respectfully requests reconsideration of this application and allowance of the pending claims.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

Charles R. Ware

Registration No. 54,881
(513) 634-5042

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